

ULOP CRITERIA REFINEMENT SUBGROUP #1 MEETING
California Department of Water Resources, JOC Annex, South Conference Room
June 20, 2013; 1:30pm to 4:00pm

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Summary of subgroups suggestions are provided in a separate document titled: ULOP Criteria Refinement Subgroup Suggestions.

DWR Welcome and Framing

Adam Sutkus, facilitator, Center for Collaborative Policy, welcomed participants and explained that this meeting will focus on several of the issues that were discussed in the plenary ULOP Criteria Refinement Work Group meeting, but in more detail. The goal of this meeting is to provide an opportunity for work group members to discuss the issues and help inform DWR's decision making process. Each issue is scheduled for approximately forty five minutes discussion time.

Paul Marshall, Assistant Division Chief, DWR welcomed everyone and stated that an important focus is to get something that is 'implementable' for locals. Although some may not like the general nature of the legislation, this is not the forum to negotiate alternatives. Participants may instead provide suggestions for changes but DWR is tasked with implementing the existing legislative directives. Mr. Marshall shared that DWR received good feedback about the ULOP criteria refinement process. DWR would like to craft criteria language based on what the locals suggest to DWR in order to move forward. Not all subgroup suggestions will be adopted, but all information will be considered and addressed in detail.

Work Group comment about the process: Previous efforts regarding the issue of findings were quite cumbersome. It is difficult to have experts take the time to look at information. This process could be similar to the FEMA process to set up a national floodplain ordinance. The ordinance is periodically reviewed. It was also suggested that the process of making findings be simplified.

This subgroup is addressing three topics: geographic scope; shallow flooding/local flooding definitions; and urban area/developed area definitions. The ULOP DWR team provided some framing, definitions, and draft ULOP criteria definitions for the discussion. An important goal is to make the ULOP criteria implementable to the locals and DWR is looking for comments, changes, and suggestions from this subgroup discussion. The summarized subgroup discussion will be shared with participants at the plenary ULOP Criteria Refinement workgroup meeting on July 16th to obtain suggestions for changes from the full workgroup. Michele Ng, project manager, DWR recognized Jim Nelson, Stormwater Consulting, for providing some of the definitions that are used for discussion.

Geographic scope

The subgroup provided the following comments:

- The Figure 3-1 map was helpful, particularly at the outer boundary.
- Planners look for maps and documents for reference and application.
- There was a discussion on the definition and scope of Sacramento-San Joaquin Valley and Central Valley and their references in various statutes.
- The legislative intent is unclear when referencing the Sacramento-San Joaquin Valley.
- It was suggested that we use the term 'watershed' on the map to help with interpretation.
- Available mapping is confusing when distinguishing between drainage and flood control areas.
- The focus of the conversation is not on understanding the legislative intent but rather focusing on the ULOP criteria language.
- Establishing legislative intent is a moot point because it is not precise—in that intent is not a specific statute. The focus should be the criteria which is within this group's parameters to change.
- The criteria text and map do not complement each other in a way that helps the locals determine if a development is in or out.
- The definition, as written, does not apply to a watershed.
- There is confusion with regards to how far to follow the tributaries for consideration of the jurisdiction line. Where are we focusing our attention with mapping effort? This issue relates to deep flooding.
- There is a disconnect between the legislatively defined geographic scope and the intent. Tulare Lake Basin was removed. There are distinct basin and watershed areas. This may require a legislative fix.
- Using the term 'watershed' in the criteria language may not narrow the geographic scope.
- A suggestion was made to use the Board's jurisdiction.
 - The Board's jurisdiction includes: (1) project levees, (2) regulated streams (Title 23), and (3) designated flood base.
 - The Board jurisdiction extends out of the valley.
- The intent is to address deep flooding not streams with one-foot flows.
- Planners may try to defer to the CVFPP PEIR map and study areas rather than look at the actual definition or map in the ULOP.
- It was suggested to take the map out because it is confusing.
- The locals would prefer to make their own interpretations rather than refer to a map.
- It is difficult to distinguish between major and other 'minor' or 'secondary' tributaries.

- Will tributaries that are excluded have pressure for development? (An example was provided in the Delta where there was pressure to develop in the secondary delta because the primary delta was protected. Another example was determining whether Yuba or Bear rivers were considered secondary or tertiary tributaries).
- The criteria text could keep the link to the map on the DWR website for reference (use pdf format for the map) in lieu of providing the map in the document.
- It was suggested that if the map remains in the document, it should have a less regulatory title.
- Municipalities do not have answers. If the boundaries are omitted there should be another map in its place.
- DWR put out 200-year floodplain maps but only for urban areas affected by flooding from failure of State Plan of Flood Control facilities.
- Provide outer boundary map of the Sacramento-San Joaquin watershed boundary and allow locals to determine scope based upon the statutory language.

Shallow Flooding

Ms. Ng presented the criteria text and stated that the issue is lack of definitions. The discussion proceeded with the provided background materials. The following comments were provided:

1. The shallow flooding definition was taken from FEMA. Some other suggested definitions are a hybrid.
2. There was a discussion on the different FEMA flood insurance zone designations.
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 - These FEMA zones can change over time. The FEMA zones are based on 100-year and 500 year flood events rather than 200 year flood event.
 - Locals will have to make the determination.
3. What do the DWR SB 1278 maps include?
 - West Sacramento maps will be available later this week.
 - SB1278 requires elevations of potential flooding (not flood depth). DWR will likely add flood depths, as ground elevations are already known. Both elevations of potential flooding and flood depth will be provided.
4. Having a shallow flooding definition based on three-feet is consistent with the building code part of the legislation.

Local Drainage

Several definitions were provided for review. The discussion focused on bulleted definitions 1 and 2 (both from previous ULOP workgroup process).

The following comments were provided regarding definition #1:

- Drainage area consideration.
 - There are several drainage areas that are more than one square-mile.
 - Ten square-mile designation is favorable.
 - The number is arbitrary.
- Do locals have defined drainage areas?
 - About half of the drainage areas are defined.
- It should be on a FEMA map to be jurisdictional. SB 1278 states that local drainage should be defined with the 100-year flood event as defined by FEMA.
- There is a concern that a 200-year flood event analysis will be needed and will require change of infrastructure for added development.
- The FEMA maps should be used to identify if a development is not within the 100-year floodplain and therefore not subject to development limitations.
- Why do we need to get involved in measuring drainages at all?
- A suggestion was made to avoid the size of the drainage and end definition #1 with 'defined channel'.

The following comments were provided regarding definition #2:

- Generally, a good definition.
- The word major tributary is open to interpretation. An example was of five creeks that go into a cross canal; would that be considered as major?
- It was suggested to change 'major' to 'primary' (the first tributary)
- It was suggested to change 'primary' to 'tributary'.
- The 'primary' designation is unclear. Definition #2 does not work.

Additional comments on definition #1:

- Local drainage should be the size of the drainage area. Five acres do not generate enough difference in measuring flooding. It is unclear how far upstream analysis is needed for development.
- It was suggested to define local drainage area as watershed less than ten square-miles.
- Local drainage is just a pipe system and should not be subject to the criteria.

- The ten square-mile area is consistent with FEMA. FEMA makes a statement that is not intended to define local drainage less than one square-mile. But this is the limit of mapping not defining local drainage. Too small of an area for defining.

Urban Area/Developed Area

Ms. Ng provided background information. The issue is that definitions are vague and need to be refined. This issue could require legislative changes.

The discussion began with the definition of urban area. The following comments were provided:

- The original language is cumbersome but that is what statute says. The local planner has to decide whether or not they feel it is a developed area.
- Is planner discretion appropriate?
 - DWR previously provided a staff opinion that Rough and Ready Island should be considered part of the developed area. This opinion was not agreed with.
- The language of 'sphere of influence' needs to be taken out.
- The focus of the discussion is criteria text not legislation text.
- This language matches MS 4 permits and therefore is not new to the locals. Locals have not complained of this definition.
- Mr. Storer offered to help with estimates and projections to clarify the demographic reference.

Based on the discussion, the work group participants agreed that the definition language is appropriate as is.

Concluding Remarks

Mr. Marshall thanked all subgroup participants for the contribution to the discussion and reiterated the importance to keep the discussion in the context of implementability to the locals. Allan Oto, DWR, observed that the discussions did not produce any proposals for legislative changes.

It was suggested that the subgroup discussion summary and suggestions be shared with the other subgroups in addition to the larger ULOP Criteria Refinement Work Group.

Attendees

Name	Affiliation
George Booth	Sacramento County
Nick Cammarota (phone)	California Building Industry Association
Andrea Clark (phone)	Downey Brand
Joe Countryman	CVFPB Member
Brian Keating	Placer County Flood Control and Water Conservation District
Karen Keene (phone)	California State Association of Counties
Jim Nelson	Stormwater Consulting
Barry O'Regan	Sutter Butte Flood Control Agency (Peterson Brustard)
Connie Perkins	City of Sacramento
Ali Porbaha	CVFPB Staff
David Storer	American Planning Association
Susan Tatayon	The Nature Conservancy
Carl Walker	City of Roseville
DWR ULOP Team	
Paul Marshall	DWR
Michele Ng	DWR
Allan Oto	DWR
Michael Musto	DWR
Rebecca Guo	MWH
Adam Sutkus	CCP
Orit Kalman	CCP